

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2003-00246

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Dutchess  
Center coordinates of site (latitude/longitude): lat:41-38-24.0000 lon:73-52-18.0120  
Approximate size of area (parcel) reviewed, including uplands: 6.22 acres.  
Name of nearest waterway: Unnamed Tributary  
Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination ☐ Date:  
Site visit(s) ☒ Date(s): 14 May 2003

**Jurisdictional Determination (JD):**

☐ Preliminary JD - Based on available information, ☐ *there appear to be* (or) ☐ *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

☒ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:

☐ *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

☒ *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.21 acres.

☒ *There are* "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

☒ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

☐ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

☐ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

☐ (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

☐ (4) Impoundments of waters otherwise defined as waters of the US.

☒ (5) The presence of a tributary to a water identified in (1) - (4) above.

☐ (6) The presence of territorial seas.

☒ (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:*

The wetland indicated as Wetland A flows to Drainage Ditch B. Drainage Ditch B discharges to Wappinger Creek, is a tributary to the Hudson River.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- ☒ Ordinary High Water Mark indicated by: ☐ High Tide Line indicated by:
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or seum line along shore objects      |
| <input type="checkbox"/> the presence of litter and debris                    | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil                     | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation                | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving   | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:   |  |

- ☐ Mean High Water Mark indicated by:
- ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.

☒ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: The Chazen Companies.

**Basis For Not Asserting Jurisdiction:**

- ☐ The reviewed area consists entirely of uplands.
- ☐ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- ☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- ☒ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
  - ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
  - ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
- ☒ Isolated, intrastate wetland with no nexus to interstate commerce.
- ☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
- ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
- ☐ Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.
- ☒ Data sheets prepared/submitted by or on behalf of the applicant.
- ☒ This office concurs with the delineation report, dated August 2002, prepared by (company): Chazen Companies
- ☐ This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):
- ☐ Data sheets prepared by the Corps.
- ☐ Corps' navigable waters' studies:
- ☐ U.S. Geological Survey Hydrologic Atlas:
- ☒ U.S. Geological Survey 7.5 Minute Topographic maps: Pleasant Valley
- ☐ U.S. Geological Survey 7.5 Minute Historic quadrangles:
- ☐ U.S. Geological Survey 15 Minute Historic quadrangles:
- ☐ USDA Natural Resources Conservation Service Soil Survey:
- ☒ National wetlands inventory maps: Pleasant Valley
- ☐ State/Local wetland inventory maps:
- ☐ FEMA/FIRM maps (Map Name & Date):
- ☐ 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)
- ☐ Aerial Photographs (Name & Date):
- ☒ Other photographs (Date):
- ☐ Advanced Identification Wetland maps:
- ☒ Site visit/determination conducted on: May 14, 2003
- ☐ Applicable/supporting case law:
- ☐ Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2003-00970

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Sullivan  
Center coordinates of site (latitude/longitude): lat:41-38-12.0120 lon:74-43-36.0120  
Approximate size of area (parcel) reviewed, including uplands: 120.28 acres.  
Name of nearest waterway: Unnamed Tributary  
Name of watershed: DELAWARE RIVER

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination ☐ Date:  
Site visit(s) ☒ Date(s): 13AUG03, 26MAY04

**Jurisdictional Determination (JD):**

☐ Preliminary JD - Based on available information, ☐ *there appear to be* (or) ☐ *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

☒ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:

☐ *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

☒ *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 19.59 acres.

☐ *There are* "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

☐ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

☐ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

☐ (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

☐ (4) Impoundments of waters otherwise defined as waters of the US.

☒ (5) The presence of a tributary to a water identified in (1) - (4) above.

☐ (6) The presence of territorial seas.

☒ (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* Wetlands include an intermittent stream which is an unnamed tributary to the Mongaup River, which flows to the Delaware River, which is navigable.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- ☒ Ordinary High Water Mark indicated by: ☐ High Tide Line indicated by:
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input checked="" type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil                     | <input type="checkbox"/> physical markings/characteristics         |
| <input checked="" type="checkbox"/> destruction of terrestrial vegetation     | <input type="checkbox"/> tidal gages                               |
| <input checked="" type="checkbox"/> shelving                                  | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:   |  |

- ☐ Mean High Water Mark indicated by:  
☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.

☒ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- ☐ The reviewed area consists entirely of uplands.  
☐ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  
☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  
☐ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
  - ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
  - ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
  - ☐ Isolated, intrastate wetland with no nexus to interstate commerce.
  - ☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - ☐ Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.  
☒ Data sheets prepared/submitted by or on behalf of the applicant.  
☐ This office concurs with the delineation report, dated , prepared by (company):  
☐ This office does not concur with the delineation report, dated , prepared by (company):  
☐ Data sheets prepared by the Corps.  
☐ Corps' navigable waters' studies:  
☐ U.S. Geological Survey Hydrologic Atlas:  
☒ U.S. Geological Survey 7.5 Minute Topographic maps: **Monticello, USGS Quad Code: 041074f6**  
☐ U.S. Geological Survey 7.5 Minute Historic quadrangles:  
☐ U.S. Geological Survey 15 Minute Historic quadrangles:  
☐ USDA Natural Resources Conservation Service Soil Survey:  
☐ National wetlands inventory maps:  
☐ State/Local wetland inventory maps:  
☒ FEMA/FIRM maps (Map Name & Date): **Thompson, NY Panel: 360830025C 15FEB91**  
☐ 100-year Floodplain Elevation is: (NGVD)  
☒ Aerial Photographs (Name & Date): **MDOQ in Sullivan Co. image folder on Regulatory GIS 1994/5/7**  
☐ Other photographs (Date):  
☐ Advanced Identification Wetland maps:  
☒ Site visit/determination conducted on: **13AUG03 and 26MAY04**  
☐ Applicable/supporting case law:  
☐ Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

## JURISDICTIONAL DETERMINATION

Revised 8/13/04

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2003-01000

### PROJECT LOCATION INFORMATION:

State: New York  
County: Kings  
Center coordinates of site (latitude/longitude): lat:40-34-54.0120 lon:73-58-45.9840  
Approximate size of area (parcel) reviewed, including uplands: 10 acres.  
Name of nearest waterway: Coney Island Creek  
Name of watershed: CONEY ISLAND CREEK

### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination ☐ Date:  
Site visit(s) ☐ Date(s):

#### Jurisdictional Determination (JD):

☒ Preliminary JD - Based on available information, *there appear to be* "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

☐ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).

Check all that apply:

☐ *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

☐ *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

☐ *There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.

☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

#### A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

☒ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

#### B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

☒ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

☐ (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

☐ (4) Impoundments of waters otherwise defined as waters of the US.

☐ (5) The presence of a tributary to a water identified in (1) - (4) above.

☐ (6) The presence of territorial seas.

☐ (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* Coney Island Creek is subject to the ebb and flow of the tide and is navigable.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- ☐ Ordinary High Water Mark indicated by:
 ☐ High Tide Line indicated by:
- |  |  |
|--|--|
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input type="checkbox"/> the presenee of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation     | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving                                  | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:                                    |  |
- ☒ Mean High Water Mark indicated by:
- ☒ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.

☐ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- ☐ The reviewed area consists entirely of uplands.
- ☐ Unable to confirm the presenee of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- ☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- ☐ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
  - ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
  - ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
  - ☐ Isolated, intrastate wetland with no nexus to interstate commerce.
  - ☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - ☐ Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.
- ☐ Data sheets prepared/submitted by or on behalf of the applicant.
- ☐ This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):
- ☐ This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):
- ☐ Data sheets prepared by the Corps.
- ☐ Corps' navigable waters' studies:
- ☐ U.S. Geological Survey Hydrologic Atlas:
- ☒ U.S. Geological Survey 7.5 Minute Topographic maps:
- ☐ U.S. Geological Survey 7.5 Minute Historic quadrangles:
- ☐ U.S. Geological Survey 15 Minute Historic quadrangles:
- ☐ USDA Natural Resources Conservation Service Soil Survey:
- ☐ National wetlands inventory maps:
- ☐ State/Local wetland inventory maps:
- ☐ FEMA/FIRM maps (Map Name & Date):
- ☐ 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)
- ☐ Aerial Photographs (Name & Date):
- ☐ Other photographs (Date):
- ☐ Advanced Identification Wetland maps:
- ☐ Site visit/determination conducted on:
- ☐ Applicable/supporting case law:
- ☐ Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2003-01338

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Dutchess  
Center coordinates of site (latitude/longitude): lat:41-58-41.9880 lon:73-45-47.9880  
Approximate size of area (parcel) reviewed, including uplands: 133.13 acres.  
Name of nearest waterway: Unnamed Tributary  
Name of watershed: Hudson River - Poughkeepsie to Troy

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination ☐ Date:  
Site visit(s) ☒ Date(s): **21 APR 04**

**Jurisdictional Determination (JD):**

☐ Preliminary JD - Based on available information, ☐ *there appear to be* (or) ☐ *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

☒ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:

☐ *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

☒ *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: **15.33 acres**.

☒ *There are* "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

☒ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

☐ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

☐ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

☐ (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

☐ (4) Impoundments of waters otherwise defined as waters of the US.

☒ (5) The presence of a tributary to a water identified in (1) - (4) above.

☐ (6) The presence of territorial seas.

☒ (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* Wetlands include intermittent streams which are unnamed tributaries to Little Wappinger Creek, which flows to Wappinger Creek, which flows to the Hudson River, which is navigable.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- ☒ Ordinary High Water Mark indicated by:
 ☐ High Tide Line indicated by:
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or seum line along shore objects      |
| <input checked="" type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input checked="" type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input checked="" type="checkbox"/> destruction of terrestrial vegetation     | <input type="checkbox"/> tidal gages                               |
| <input checked="" type="checkbox"/> shelving                                  | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:   |  |

- ☐ Mean High Water Mark indicated by:  
☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.

☒ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- ☐ The reviewed area consists entirely of uplands.  
☐ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  
☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  
☒ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
  - ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
  - ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
- ☒ Isolated, intrastate wetland with no nexus to interstate commerce.  
☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  
☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  
☐ Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.  
☒ Data sheets prepared/submitted by or on behalf of the applicant.
- ☐ This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):
  - ☐ This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):
- ☐ Data sheets prepared by the Corps.  
☐ Corps' navigable waters' studies:  
☐ U.S. Geological Survey Hydrologic Atlas:  
☒ U.S. Geological Survey 7.5 Minute Topographic maps:  
☐ U.S. Geological Survey 7.5 Minute Historic quadrangles:  
☐ U.S. Geological Survey 15 Minute Historic quadrangles:  
☐ USDA Natural Resources Conservation Service Soil Survey:  
☒ National wetlands inventory maps: **Rock City NWI map located on Regulatory GIS server.**  
☐ State/Local wetland inventory maps:  
☒ FEMA/FIRM maps (Map Name & Date):  
☐ 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)  
☒ Aerial Photographs (Name & Date): **Dutchess DOQQ located on Regulatory GIS server, May 2000**  
☐ Other photographs (Date):  
☐ Advanced Identification Wetland maps:  
☒ Site visit/determination conducted on: **Site visit on 21APR04**  
☐ Applicable/supporting case law:  
☐ Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



## JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2003-01366

### PROJECT LOCATION INFORMATION:

State: New York  
County: Sullivan  
Center coordinates of site (latitude/longitude): lat:41-37-10.9920 lon:74-44-48.9840  
Approximate size of area (parcel) reviewed, including uplands: 20.37 acres.  
Name of nearest waterway: Unnamed Tributary  
Name of watershed: DELAWARE RIVER

### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination ☐ Date:  
Site visits ☒ Date: December 14, 2004

#### Jurisdictional Determination (JD):

☐ Preliminary JD - Based on available information, ☐ *there appear to be* (or) ☐ *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Referencee 33 CFR part 331).

☒ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:

☐ *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

☒ *There are* "waters of the United States" (as defined by 33 CFR part 328 and assoeiated guidance) within the reviewed area. Approximate size of jurisdictional area: 14 aeres.

☒ *There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.

☒ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

#### A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

☐ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

#### B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

☐ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

☐ (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any sueh waters (cheek all that apply):

☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

☐ (4) Impoundments of waters otherwise defined as waters of the US.

☒ (5) The presence of a tributary to a water identified in (1) - (4) above.

☐ (6) The presence of territorial seas.

☒ (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* Wetlands on the site area associated with Lake Winston, which is a manmade impoundment within an unnamed tributary to the Mongaup River, which ultimately discharges into the Delaware River.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- ☒ Ordinary High Water Mark indicated by:
 ☐ High Tide Line indicated by:
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input checked="" type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input checked="" type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input checked="" type="checkbox"/> destruction of terrestrial vegetation     | <input type="checkbox"/> tidal gages                               |
| <input checked="" type="checkbox"/> shelving                                  | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:   |  |

- ☐ Mean High Water Mark indicated by:
 ☐ survey to available datum;
 ☐ physical markings;
 ☐ vegetation lines/changes in vegetation types.

☒ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Dewberry and Goodkind, Inc.

**Basis For Not Asserting Jurisdiction:**

- ☐ The reviewed area consists entirely of uplands.  
☐ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  
☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  
☒ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
  - ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
  - ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
- ☒ Isolated, intrastate wetland with no nexus to interstate commerce.  
☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  
☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  
☐ Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.  
☒ Data sheets prepared/submitted by or on behalf of the applicant.
- ☐ This office concurs with the delineation report, dated October 31, 2003, prepared by Dewberry and Goodkind  
☐ This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):
- ☐ Data sheets prepared by the Corps.  
☐ Corps' navigable waters' studies:
- ☐ U.S. Geological Survey Hydrologic Atlas:
  - ☒ U.S. Geological Survey 7.5 Minute Topographic maps:
  - ☐ U.S. Geological Survey 7.5 Minute Historic quadrangles:
  - ☐ U.S. Geological Survey 15 Minute Historic quadrangles:
  - ☒ USDA Natural Resources Conservation Service Soil Survey:
  - ☒ National wetlands inventory maps:
  - ☒ State/Local wetland inventory maps:
  - ☐ FEMA/FIRM maps (Map Name & Date):
  - ☐ 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)
  - ☐ Aerial Photographs (Name & Date):
  - ☒ Other photographs (Date): 31 October 2003
  - ☐ Advanced Identification Wetland maps:
  - ☒ Site visit/determination conducted on: 14 December 2004
  - ☐ Applicable/supporting case law:
  - ☐ Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

## JURISDICTIONAL DETERMINATION

Revised 8/13/04

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2004-00430

### PROJECT LOCATION INFORMATION:

State: New York  
County: Orange  
Center coordinates of site (latitude/longitude): lat:41-18-49.2840 lon:74-33-13.3920  
Approximate size of area (parcel) reviewed, including uplands: 121.58 acres.  
Name of nearest waterway: Unnamed Tributary to Rutgers Creek  
Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination ☐ Date:  
Site visit(s) ☒ Date(s): June 16, 2004

#### Jurisdictional Determination (JD):

☐ Preliminary JD - Based on available information, ☐ *there appear to be* (or) ☐ *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

☒ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:

☐ *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

☒ *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 9.98 acres.

☒ *There are* "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

☒ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

#### A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

☐ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

#### B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

☐ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

☐ (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

☐ (4) Impoundments of waters otherwise defined as waters of the US.

☒ (5) The presence of a tributary to a water identified in (1) - (4) above.

☐ (6) The presence of territorial seas.

☒ (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands include streams which are unnamed tributaries to Rutgers Creek, which flows into the Wallkill River, which flows into the Rondout Creek, which flows into the Hudson River, which is navigable.*

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- ☒ Ordinary High Water Mark indicated by:
 ☐ High Tide Line indicated by:
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input checked="" type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil                     | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation                | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving   | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:   |  |
- ☐ Mean High Water Mark indicated by:
- ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
- ☒ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- ☐ The reviewed area consists entirely of uplands.
- ☐ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- ☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- ☒ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
  - ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
  - ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
- ☒ Isolated, intrastate wetland with no nexus to interstate commerce.
- ☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
- ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
- ☐ Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.
- ☒ Data sheets prepared/submitted by or on behalf of the applicant.
- ☐ This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):
- ☐ This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):
- ☐ Data sheets prepared by the Corps.
- ☐ Corps' navigable waters' studies:
- ☐ U.S. Geological Survey Hydrologic Atlas:
- ☒ U.S. Geological Survey 7.5 Minute Topographic maps: Unionville, NY-NJ
- ☐ U.S. Geological Survey 7.5 Minute Historic quadrangles:
- ☐ U.S. Geological Survey 15 Minute Historic quadrangles:
- ☒ USDA Natural Resources Conservation Service Soil Survey: Orange County, NY
- ☒ National wetlands inventory maps: Unionville, NY-NJ
- ☒ State/Local wetland inventory maps: Unionville, NY-NJ
- ☐ FEMA/FIRM maps (Map Name & Date):
- ☐ 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)
- ☐ Aerial Photographs (Name & Date):
- ☒ Other photographs (Date):
- ☐ Advanced Identification Wetland maps:
- ☒ Site visit/determination conducted on: June 16, 2004
- ☐ Applicable/supporting case law:
- ☐ Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

## JURISDICTIONAL DETERMINATION

Revised 8/13/04

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2004-00673

### PROJECT LOCATION INFORMATION:

State: New York  
County: Essex  
Center coordinates of site (latitude/longitude): lat:44-22-23.0160 lon:73-43-28.9920  
Approximate size of area (parcel) reviewed, including uplands: 24.43 acres.  
Name of nearest waterway: East Branch Ausable River  
Name of watershed: LAKE CHAMPLAIN

### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination ☐ Date:  
Site visit(s) ☒ Date(s): April 21, 2004

#### Jurisdictional Determination (JD):

☒ Preliminary JD - Based on available information, ☒ *there appear to be* (or) ☐ *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

☐ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:

☐ *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

☐ *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

☐ *There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.

☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

#### A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

☒ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

#### B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

☒ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

☐ (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

☐ (4) Impoundments of waters otherwise defined as waters of the US.

☒ (5) The presence of a tributary to a water identified in (1) - (4) above.

☐ (6) The presence of territorial seas.

☒ (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* The East Branch of the Ausable River is a navigable waterway. The additional watercourse within the area is a tributary to the East Branch of the Ausable River. The wetlands in the subject area have a direct surface connection to the waterway.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- ☒ Ordinary High Water Mark indicated by:
 ☐ High Tide Line indicated by:
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input type="checkbox"/> the presence of litter and debris                    | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil                     | <input type="checkbox"/> physical markings/characteristics         |
| <input checked="" type="checkbox"/> destruction of terrestrial vegetation     | <input type="checkbox"/> tidal gages                               |
| <input checked="" type="checkbox"/> shelving                                  | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:   |  |
- ☐ Mean High Water Mark indicated by:
- ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.

☒ Wetland boundaries, as shown on the attached wetland delineation map prepared by: the New York State Department of Transportation

**Basis For Not Asserting Jurisdiction:**

- ☐ The reviewed area consists entirely of uplands.
- ☐ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- ☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- ☐ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
  - ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
  - ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
  - ☐ Isolated, intrastate wetland with no nexus to interstate commerce.
  - ☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - ☐ Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.
- ☒ Data sheets prepared/submitted by or on behalf of the applicant.
- ☐ This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):
  - ☐ This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):
- ☐ Data sheets prepared by the Corps.
- ☒ Corps' navigable waters' studies: Listing for Ausable River
- ☐ U.S. Geological Survey Hydrologic Atlas:
- ☒ U.S. Geological Survey 7.5 Minute Topographic maps: Ausable Forks/Lewis
- ☐ U.S. Geological Survey 7.5 Minute Historic quadrangles:
- ☐ U.S. Geological Survey 15 Minute Historic quadrangles:
- ☐ USDA Natural Resources Conservation Service Soil Survey:
- ☐ National wetlands inventory maps:
- ☐ State/Local wetland inventory maps:
- ☐ FEMA/FIRM maps (Map Name & Date):
- ☒ 100-year Floodplain Elevation is: 621 ft (NGVD)
- ☐ Aerial Photographs (Name & Date):
- ☒ Other photographs (Date): October 8, 1996 and August 13, 1997
- ☐ Advanced Identification Wetland maps:
- ☒ Site visit/determination conducted on: April 21, 2004
- ☐ Applicable/supporting case law:
- ☐ Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**JURISDICTIONAL DETERMINATION**  
U.S. Army Corps of Engineers

Revised 8/13/04

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2004-00915

**PROJECT LOCATION INFORMATION:**

State: New York  
County: Orange  
Center coordinates of site (latitude/longitude): lat:41-26-25.0800 lon:74-4-10.2000  
Approximate size of area (parcel) reviewed, including uplands: 116 acres.  
Name of nearest waterway: Unnamed Tributary  
Name of watershed: HUDSON RIVER - YONKERS TO POUGHKEEPSIE

**JURISDICTIONAL DETERMINATION**

**Completed:** Desktop determination ☐ Date:  
Site visit ☒ Date: August 25, 2004

**Jurisdictional Determination (JD):**

☐ Preliminary JD - Based on available information, ☐ *there appear to be* (or) ☐ *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

☒ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).

Check all that apply:

☐ *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

☒ *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 34.49 acres.

☒ *There are* "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

☒ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

**BASIS OF JURISDICTIONAL DETERMINATION:**

**A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":**

☐ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

**B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":**

☐ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

☐ (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

☐ (4) Impoundments of waters otherwise defined as waters of the US.

☒ (5) The presence of a tributary to a water identified in (1) - (4) above.

☐ (6) The presence of territorial seas.

☒ (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2), 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* The waters within the wetlands, as well as the unnamed tributaries, flow into the Moodna Creek, which is a tributary of the Hudson River, which is considered to be navigable.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- ☒ Ordinary High Water Mark indicated by:
 ☐ High Tide Line indicated by:
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input type="checkbox"/> the presence of litter and debris                    | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil                     | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation                | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving   | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:   |  |
- ☐ Mean High Water Mark indicated by:
- ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.

☒ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- ☐ The reviewed area consists entirely of uplands.  
☐ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  
☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  
☒ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
  - ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
  - ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
- ☒ Isolated, intrastate wetland with no nexus to interstate commerce.  
☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  
☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  
☐ Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.  
☒ Data sheets prepared/submitted by or on behalf of the applicant.  
☒ This office concurs with the delineation report, dated February 12, 2004, prepared by: ERS Consultants, Inc.  
☐ This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):  
☐ Data sheets prepared by the Corps.  
☐ Corps' navigable waters' studies:  
☐ U.S. Geological Survey Hydrologic Atlas:  
☒ U.S. Geological Survey 7.5 Minute Topographic maps: Cornwall Quad  
☐ U.S. Geological Survey 7.5 Minute Historic quadrangles:  
☐ U.S. Geological Survey 15 Minute Historic quadrangles:  
☒ USDA Natural Resources Conservation Service Soil Survey: Orange County  
☐ National wetlands inventory maps:  
☒ State/Local wetland inventory maps: Cornwall Quad  
☐ FEMA/FIRM maps (Map Name & Date):  
☐ 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)  
☐ Aerial Photographs (Name & Date):  
☐ Other photographs (Date):  
☐ Advanced Identification Wetland maps:  
☒ Site visit/determination conducted on: August 25, 2004  
☐ Applicable/supporting case law:  
☐ Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



## JURISDICTIONAL DETERMINATION

Revised 8/13/04

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2004-00976

### PROJECT LOCATION INFORMATION:

State: New York  
County: Saratoga  
Center coordinates of site (latitude/longitude): lat:43-6-38.1600 lon:73-40-32.4840  
Approximate size of area (parcel) reviewed, including uplands: 94.91 acres.  
Name of nearest waterway: Unnamed Tributary to Cold Brook  
Name of watershed: HUDSON RIVER - NORTH OF TROY

### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination ☐ Date:  
Site visit(s) ☒ Date(s): October 20 and November 10, 2004

#### Jurisdictional Determination (JD):

☐ Preliminary JD - Based on available information, ☐ *there appear to be* (or) ☐ *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

☒ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:

☐ *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

☒ *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 14.42 acres

☒ *There are* "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

☒ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

#### A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

☐ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

#### B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

☐ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

☐ (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

☐ (4) Impoundments of waters otherwise defined as waters of the US.

☒ (5) The presence of a tributary to a water identified in (1) - (4) above.

☐ (6) The presence of territorial seas.

☒ (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2), 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* The waters on the site include wetlands and a pond that are contiguous with, and adjacent to an unnamed perennial stream that is a tributary to Cold Brook, which is a tributary to Fish Creek, a navigable water of the United States.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- ☒ Ordinary High Water Mark indicated by:
 ☐ High Tide Line indicated by:
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input type="checkbox"/> the presence of litter and debris                    | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input checked="" type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input checked="" type="checkbox"/> destruction of terrestrial vegetation     | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving   | <input type="checkbox"/> other:                                    |
| <input checked="" type="checkbox"/> other: defined bed and banks              |  |
- ☐ Mean High Water Mark indicated by:
 ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.

☒ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:  
 Gilbert VanGuilder Land Surveyor, PLLC

**Basis For Not Asserting Jurisdiction:**

- ☐ The reviewed area consists entirely of uplands.  
☐ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  
☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  
☒ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
  - ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
  - ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
  - ☒ Isolated, intrastate wetland with no nexus to interstate commerce.
  - ☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - ☐ Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.  
☒ Data sheets prepared/submitted by or on behalf of the applicant.
- ☐ This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):  
☒ This office does not concur with the delineation report, dated January 2004, prepared by (company):  
 Copeland Environmental
- ☐ Data sheets prepared by the Corps.  
☐ Corps' navigable waters' studies:  
☐ U.S. Geological Survey Hydrologic Atlas:  
☒ U.S. Geological Survey 7.5 Minute Topographic maps: Quaker Springs, NY  
☐ U.S. Geological Survey 7.5 Minute Historic quadrangles:  
☐ U.S. Geological Survey 15 Minute Historic quadrangles:  
☒ USDA Natural Resources Conservation Service Soil Survey: Saratoga County, NY  
☐ National wetlands inventory maps:  
☒ State/Local wetland inventory maps: Quaker Springs, NY  
☐ FEMA/FIRM maps (Map Name & Date):  
☐ 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)  
☒ Aerial Photographs (Name & Date):  
☒ Other photographs (Date): November 3 and 11, 2003, and October 20 and November 10, 2004  
☐ Advanced Identification Wetland maps:  
☒ Site visit/determination conducted on: October 20 and November 10, 2004  
☐ Applicable/supporting case law:  
☐ Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

## JURISDICTIONAL DETERMINATION

Revised 8/13/04

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2004-00980

### PROJECT LOCATION INFORMATION:

State: New York  
County: Saratoga  
Center coordinates of site (latitude/longitude): lat:42-54-46.0080 lon:73-42-56.0160  
Approximate size of area (parcel) reviewed, including uplands: 314 acres.  
Name of nearest waterway: Unnamed Tributary to the Old Champlain Canal  
Name of watershed: HUDSON RIVER - NORTH OF TROY

### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination ☐ Date:  
Site visit(s) ☒ Date(s): October 25, 2004 and May 6, 2005

#### Jurisdictional Determination (JD):

☐ Preliminary JD - Based on available information, ☐ *there appear to be* (or) ☐ *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

☒ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).

Check all that apply:

☐ *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

☒ *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 31.795 acres.

☒ *There are* "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

☒ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

#### A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

☐ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

#### B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

☐ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

☐ (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

☐ (4) Impoundments of waters otherwise defined as waters of the US.

☒ (5) The presence of a tributary to a water identified in (1) - (4) above.

☐ (6) The presence of territorial seas.

☒ (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination.* The waters on the site include wetlands and ponds that are contiguous with, and adjacent to various unnamed tributaries to the Old Champlain Canal, a navigable water of the United States.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- ☒ Ordinary High Water Mark indicated by:
 ☐ High Tide Line indicated by:
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input type="checkbox"/> the presence of litter and debris                    | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input checked="" type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input checked="" type="checkbox"/> destruction of terrestrial vegetation     | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving   | <input type="checkbox"/> other:                                    |
| <input checked="" type="checkbox"/> other: a defined bed and banks            |  |
- ☐ Mean High Water Mark indicated by:
 ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
- ☒ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:  
 Gilbert VanGuilder and Associates, PLLC

**Basis For Not Asserting Jurisdiction:**

- ☐ The reviewed area consists entirely of uplands.
- ☐ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- ☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- ☒ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
  - ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
  - ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
- ☒ Isolated, intrastate wetland with no nexus to interstate commerce.
- ☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
- ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
- ☐ Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.
- ☒ Data sheets prepared/submitted by or on behalf of the applicant.
- ☒ This office concurs with the delineation report, dated September 2, 2004, prepared by (company):  
 The Chazen Companies
- ☐ This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):
- ☐ Data sheets prepared by the Corps.
- ☐ Corps' navigable waters' studies:
- ☐ U.S. Geological Survey Hydrologic Atlas:
- ☒ U.S. Geological Survey 7.5 Minute Topographic maps: Mechanicville, NY
- ☐ U.S. Geological Survey 7.5 Minute Historic quadrangles:
- ☐ U.S. Geological Survey 15 Minute Historic quadrangles:
- ☒ USDA Natural Resources Conservation Service Soil Survey: Saratoga County, NY
- ☒ National wetlands inventory maps: Mechanicville, NY
- ☒ State/Local wetland inventory maps: NYSDEC Article 24 Map, Mechanicville, NY
- ☐ FEMA/FIRM maps (Map Name & Date):
- ☐ 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)
- ☐ Aerial Photographs (Name & Date):
- ☒ Other photographs (Date): May 6, 2005
- ☐ Advanced Identification Wetland maps:
- ☒ Site visit/determination conducted on: October 25, 2004, and May 6, 2005
- ☐ Applicable/supporting case law:
- ☐ Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

# JURISDICTIONAL DETERMINATION

Revised 8/13/04

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2004-01047

## PROJECT LOCATION INFORMATION:

State: New Jersey  
County: Middlesex  
Center coordinates of site (latitude/longitude): lat:40-29-26.6280 lon:74-17-13.2720  
Approximate size of area (parcel) reviewed, including uplands: 10 acres.  
Name of nearest waterway: Raritan Bay  
Name of watershed: RARITAN BAY

## JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination ☒ Date: 31 Mar 2005  
Site visit(s) ☐ Date(s):

### Jurisdictional Determination (JD):

☒ Preliminary JD - Based on available information, ☒ *there appear to be* (or) ☐ *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

☐ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).  
Check all that apply:

☐ *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

☐ *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

☐ *There are* "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

### A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

☐ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

### B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

☐ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

☐ (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

☐ (4) Impoundments of waters otherwise defined as waters of the US.

☐ (5) The presence of a tributary to a water identified in (1) - (4) above.

☐ (6) The presence of territorial seas.

☒ (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* Freshwater wetlands are adjacent to Raritan Bay, which is a navigable waterbody.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- ☐ Ordinary High Water Mark indicated by:
 ☐ High Tide Line indicated by:
- |  |  |
|--|--|
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input type="checkbox"/> the presence of litter and debris         | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil          | <input type="checkbox"/> physical markings/characteristics         |
| <input type="checkbox"/> destruction of terrestrial vegetation     | <input type="checkbox"/> tidal gages                               |
| <input type="checkbox"/> shelving                                  | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:                                    |  |
- ☐ Mean High Water Mark indicated by:
 ☐ survey to available datum;
 ☐ physical markings;
 ☐ vegetation lines/changes in vegetation types.

☒ Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:

**Basis For Not Asserting Jurisdiction:**

- ☐ The reviewed area consists entirely of uplands.  
☐ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  
☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  
☐ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
  - ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
  - ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
  - ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
  - ☐ Isolated, intrastate wetland with no nexus to interstate commerce.
  - ☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
  - ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
  - ☐ Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.  
☐ Data sheets prepared/submitted by or on behalf of the applicant.
  - ☐ This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):
  - ☐ This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):☐ Data sheets prepared by the Corps.  
☐ Corps' navigable waters' studies:  
☐ U.S. Geological Survey Hydrologic Atlas:  
☐ U.S. Geological Survey 7.5 Minute Topographic maps:  
☐ U.S. Geological Survey 7.5 Minute Historic quadrangles:  
☐ U.S. Geological Survey 15 Minute Historic quadrangles:  
☐ USDA Natural Resources Conservation Service Soil Survey:  
☐ National wetlands inventory maps:  
☐ State/Local wetland inventory maps:  
☐ FEMA/FIRM maps (Map Name & Date):  
☐ 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)  
☐ Aerial Photographs (Name & Date):  
☐ Other photographs (Date):  
☐ Advanced Identification Wetland maps:  
☐ Site visit/determination conducted on:  
☐ Applicable/supporting case law:  
☐ Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

## JURISDICTIONAL DETERMINATION

Revised 8/13/04

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)  
**FILE NUMBER:** 2005-00111

### PROJECT LOCATION INFORMATION:

State: New York  
County: Saratoga  
Center coordinates of site (latitude/longitude): lat:42-53-21.4440 lon:73-46-47.8200  
Approximate size of area (pareel) reviewed, including uplands: 13 acres.  
Name of nearest waterway: Unnamed tributary to Dwaas Kill  
Name of watershed: HUDSON RIVER

### JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination ☒ Date: February 1, 2005  
Site visit(s) ☐ Date(s):

#### Jurisdictional Determination (JD):

☒ Preliminary JD - Based on available information, ☒ *there appear to be* (or) ☐ *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

☐ Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).

Check all that apply:

☐ *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

☐ *There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

☐ *There are "isolated, non-navigable, intra-state waters or wetlands"* within the reviewed area.

☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

#### A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

☐ The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

#### B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

☐ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

☐ (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.

☐ (4) Impoundments of waters otherwise defined as waters of the US.

☒ (5) The presence of a tributary to a water identified in (1) - (4) above.

☐ (6) The presence of territorial seas.

☒ (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:* The wetlands within the 13 acre site are adjacent to an unnamed tributary to the Dwaas Kill. The Dwaas Kill is a tributary to the Anthony Kill, which discharges into the Hudson River, a navigable waterway.

**Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)**

- ☒ Ordinary High Water Mark indicated by:
 ☐ High Tide Line indicated by:
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> oil or scum line along shore objects      |
| <input type="checkbox"/> the presence of litter and debris                    | <input type="checkbox"/> fine shell or debris deposits (foreshore) |
| <input type="checkbox"/> changes in the character of soil                     | <input type="checkbox"/> physical markings/characteristics         |
| <input checked="" type="checkbox"/> destruction of terrestrial vegetation     | <input type="checkbox"/> tidal gages                               |
| <input checked="" type="checkbox"/> shelving                                  | <input type="checkbox"/> other:                                    |
| <input type="checkbox"/> other:   |  |

- ☐ Mean High Water Mark indicated by:  
☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.

☒ Wetland boundaries, as shown on the attached wetland delineation map prepared by: N.Y.S. Department of Transportation

**Basis For Not Asserting Jurisdiction:**

- ☐ The reviewed area consists entirely of uplands.  
☐ Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  
☐ Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  
☐ The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- ☐ Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
  - ☐ Artificially irrigated areas, which would revert to upland if the irrigation ceased.
  - ☐ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
  - ☐ Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
  - ☐ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
  - ☐ Isolated, intrastate wetland with no nexus to interstate commerce.
  - ☐ Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
- ☐ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  
☐ Other (explain):

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant.  
☐ Data sheets prepared/submitted by or on behalf of the applicant.
- ☐ This office concurs with the delineation report, dated \_\_\_\_\_, prepared by (company):  
☐ This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):
- ☐ Data sheets prepared by the Corps.  
☒ Corps' navigable waters' studies: Listing for Hudson River  
☐ U.S. Geological Survey Hydrologic Atlas:  
☒ U.S. Geological Survey 7.5 Minute Topographic maps: Round Lake Quadrangle  
☐ U.S. Geological Survey 7.5 Minute Historic quadrangles:  
☐ U.S. Geological Survey 15 Minute Historic quadrangles:  
☒ USDA Natural Resources Conservation Service Soil Survey: Saratoga County  
☐ National wetlands inventory maps:  
☒ State/Local wetland inventory maps: Round Lake Quadrangle  
☐ FEMA/FIRM maps (Map Name & Date):  
☐ 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)  
☐ Aerial Photographs (Name & Date):  
☒ Other photographs (Date): sent on January 21, 2005  
☐ Advanced Identification Wetland maps:  
☐ Site visit/determination conducted on:  
☐ Applicable/supporting case law:  
☐ Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.